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Report on the Northam Neighbourhood Plan 2024 – 2031

An Examination undertaken for Torridge District Council with the support of Northam Town Council on the 2025 submission version of the Plan.

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Main Findings - Executive Summary

From my examination of the Northam Neighbourhood Plan (NNP/the Plan) and its supporting documentation including the representations made, I have concluded that subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body – the Northam Town Council (NTC);
- The Plan has been prepared for an area properly designated – the Northam Neighbourhood Area as shown on the map on page 4 of the Neighbourhood Plan;
- The Plan specifies the period during which it is to take effect: 2024 - 2031¹; and
- The policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

1. Introduction and Background

Northam Neighbourhood Plan 2024–2031

- 1.1 The Parish of Northam, which includes the settlements of Appledore, Westward Ho! and Northam, is located in an outstandingly attractive coastal location on the western bank of the River Torridge. This flows northwards from Bideford to meet the River Taw which, in turn, flows generally westwards from Barnstaple and thence into Bideford or Barnstaple Bay, flanked by Braunton Burrows to the north and Northam Burrows to the south. In 2021, the population of Northam Parish was 12,356.²
- 1.2 The preparation of the Northam Neighbourhood Plan (NNP) began in 2017 with public meetings in Appledore and Northam and the subsequent formation of a Steering Group (the Northam Neighbourhood Plan Advisory Group) in the same year. The Northam Neighbourhood Area was also designated in August 2017. Led by the Advisory Group, evidence was collected, consultations were held, three focus groups were set up, policies drafted and redrafted with the final version of the Plan being submitted to Torridge District Council (TDC) in May 2025.

¹ Subject to **PM1**: see paragraph 3.2 below.

² 2021 Census (See also paragraphs 2.4, 2.5 and 2.7 of the Plan).

The Independent Examiner

- 1.3 As the Plan has now reached the examination stage, I have been appointed as the examiner of the NNP by TDC with the agreement of Northam Town Council (NTC).
- 1.4 I am a chartered town planner and former government Planning Inspector and have experience of examining neighbourhood plans. I am an independent examiner, and do not have an interest in any of the land that may be affected by the Plan.

The Scope of the Examination

- 1.5 As the independent examiner, I am required to produce this report and recommend either:
- (a) that the neighbourhood plan is submitted to a referendum without changes; or
 - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
 - (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.6 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('the 1990 Act'). The examiner must consider:
- Whether the plan meets the Basic Conditions.
 - Whether the plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
 - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
 - it sets out policies in relation to the development and use of land;
 - it specifies the period during which it has effect;
 - it does not include provisions and policies for 'excluded development'; and
 - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area.
 - Whether the referendum boundary should be extended beyond the designated area, should the plan proceed to referendum.

- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the 2012 Regulations').
- 1.7 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

The Basic Conditions

- 1.8 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State;
 - contribute to the achievement of sustainable development;
 - be in general conformity with the strategic policies of the development plan for the area;
 - be compatible with, and not breach, assimilated obligations³; and
 - meet prescribed conditions and comply with prescribed matters.
- 1.9 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the Plan does not breach the requirement of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.⁴

2. Approach to the Examination

Planning Policy Context

- 2.1 The current Development Plan for the Northam area, excluding policies relating to minerals and waste development, includes the North Devon and Torrington Local Plan (NDTLP) 2011 – 2031 which was adopted by Torrington District Council in October 2018. A replacement Joint Local Plan is at a very early stage of preparation with the North Devon and Torrington Local Development Scheme (March 2025) suggesting an adoption date for the Joint Local Plan in July 2028. Given the emerging Local Plan is at a

³ See: The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023, which replaced the previous reference to 'EU obligations'.

⁴ This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

relatively early stage, I afford only very limited regard to the relevant advice in the PPG for the purposes of this examination.⁵

- 2.2 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF), the latest version of which was published in December 2024. In addition, the Planning Practice Guidance (PPG) offers advice on how the NPPF should be implemented.

Submitted Documents

- 2.3 I have considered all policy, guidance and other reference documents I consider relevant to the examination, as well as those submitted which include:
- the draft Northam Neighbourhood Plan 2024 – 2031 (submission version 2025);
 - the map on page 4 of the Plan which identifies the area to which the proposed Neighbourhood Plan relates;
 - the Consultation Statement (undated);
 - the Basic Conditions Statement (undated);
 - the Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Opinion;
 - Evidence Base 1: Policy Related Documents (undated);
 - Evidence Base 2: Community Engagement (undated);
 - all the representations that have been made in accordance with the Regulation 16 consultation;
 - the NTC’s Response to the Regulation 16 comments dated 14 November 2025;
 - the responses dated 5 December 2025 from NTC and TDC to the questions of clarification in my letter of 11 November 2025; and,
 - the responses to the additional consultation between 17 November 2025 and 15 December 2025 by TDC on the SEA/HRA Screening Opinion.⁶

Site Visit

- 2.4 I made an unaccompanied site inspection to the NNP area on 16 November 2025 to familiarise myself with it and visit relevant locations referenced in the Plan and evidential documents.

Written Representations with or without Public Hearing

- 2.5 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections to the Plan and presented arguments for and against the Plan’s suitability to proceed to a referendum. No requests for a hearing session were received.

⁵ Relevant advice is set out in PPG Reference ID: 41-009-20190509.

⁶ View all the documents at: <https://www.torridge.gov.uk/northamnp>

Modifications

- 2.6 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in the Appendix to this report.

3. Procedural Compliance and Human Rights

Qualifying Body and Neighbourhood Plan Area

- 3.1 The NNP has been prepared and submitted for examination by the NTC, which is a qualifying body. The NNP area extends over all the Parish designated by Torridge District Council in August 2017. I am satisfied it is the only Neighbourhood Plan for Northam Parish and does not relate to any land outside the designated Neighbourhood Plan Area.

Plan Period

- 3.2 The Plan period is from 2024 to 2031, but this can only be deduced from the supporting documents. Therefore, I recommend that the period 2024 – 2031 be included prominently on the front cover. **(PM1)**

Neighbourhood Development Plan Preparation and Consultation

- 3.3 The Consultation Statement (CS) and the Evidence Base: Community Engagement (CE) describe the thorough preparation of the Plan with involvement of the public and various stakeholders at the stages of the process which began in March 2017 with a neighbourhood plan public meeting. A concise timeline of events is on page 10 of the NNP. A Steering Group (SG) was formed together with three focus groups which gathered evidence to inform and draft objectives and policies of the Plan. The Steering Group was reconstituted as the Advisory Group (AG) in 2019. A call for sites for residential development was made in 2018. Three public meetings were held. Due to the Covid Pandemic in 2020 and 2021, progress slowed. However, the NNP website and Facebook continued to be used to spread information. TDC were consulted about the Plan in 2022.
- 3.4 The pre-submission Plan was published for consultation under Regulation 14 of the 2012 Regulations from 6 January 2023 until 17 February 2023. 504 responses were received from local residents with a summary and action taken described in Table 6 of the CS. Details are also given of the responses from landowners. An analysis of comments made by statutory consultees is given in Appendix 3 of the CS which includes the action taken. Table 12 shows the comments made by TDC and consequent changes to the Plan.
- 3.5 The final version of the Plan was submitted to TDC on 13 May 2025. Consultation in accordance with Regulation 16 was carried out from 13

August 2025 until 26 September 2025. 121 responses were received about the Plan, including one from TDC. Subject to my comments in paragraphs 4.1 – 4.3 below, I am satisfied that a transparent, fair and inclusive consultation process has been followed for the NNP, that has had regard to advice in the PPG on plan preparation and engagement and is procedurally compliant in accordance with the legal requirements.

Development and Use of Land

- 3.6 The Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

Excluded Development

- 3.7 The Plan does not include provisions and policies for 'excluded development'.⁷

Human Rights

- 3.8 The Basic Conditions Statement (BCS) notes that no issues have been raised in relation to the possible contravention of Human Rights. These are fundamental rights and freedoms guaranteed under the European Convention on Human Rights. I am aware from the CS and the Equality Impact Assessment (EIA) that very considerable emphasis was placed throughout the consultation process to ensure that no sections of the community were isolated or excluded. I have considered this matter independently and I am satisfied that the policies will not have a discriminatory impact on any particular group of individuals.

4. Compliance with the Basic Conditions

Assimilated Obligations

- 4.1 On 7 January 2023, TDC consulted with the relevant statutory environmental bodies about the need for a Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) for the NNP. Natural England (NE) commented that there are unlikely to be significant environmental effects from the proposed Plan.⁸ Historic England (HE) concurred with the opinion of TDC that a full SEA would not be required.⁹ The Environment Agency (EA) issued a standard reply commenting that it is unlikely that neighbourhood plans will result in any significant environmental effects unless the Plan allocates or encourages development over that set out in the Local Plan. The EA considered that any potential for environmental effects from growth in the Parish should

⁷ See section 61K of the 1990 Act.

⁸ 10 February 2023.

⁹ 8 February 2023.

already have been addressed through the Sustainability Appraisal (SA) of the adopted Local Plan

- 4.2 However, notwithstanding that it can be deduced from the BCS that a Screening for SEA/HRA was undertaken by TDC, the Screening determination and statement of reasons was not available at the Regulation 16 consultation stage for representors to comment on. Therefore, upon my request, TDC carried out a focussed consultation for four weeks between 17 November 2025 and 15 December 2025 to draw this additional information to the attention of those with an interest in the Plan who may wish to comment. Thirteen responses were received, including from NE¹⁰ and HE¹¹, both of whom reiterated their previous stance and neither of whom raised an objection to the submitted Plan at the Regulation 16 stage.
- 4.3 I have read the SEA and HRA correspondence and the other information provided and, having considered the matter independently, I agree with the overall conclusions. Therefore, I am satisfied that the NNP is compatible with assimilated obligations.

Main Issues

- 4.4 Having considered whether the Plan complies with various procedural and legal requirements, it is now necessary to deal with whether it complies with the remaining Basic Conditions, particularly the regard it pays to national policy and guidance, the contribution it makes to the achievement of sustainable development and whether it is in general conformity with strategic development plan policies (rather than development management policies). I test the Plan against the Basic Conditions by considering specific issues of compliance of all the Plan's policies.
- 4.5 As part of that assessment, I consider whether the policies are sufficiently clear and unambiguous, having regard to advice in the PPG. A neighbourhood plan policy should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence.¹²
- 4.6 Accordingly, having regard to the Northam Neighbourhood Plan, the consultation responses, other evidence and the site visit, I consider that the main issues in this examination are whether the NNP policies (i) have regard to national policy and guidance; (ii) are in general conformity with the adopted strategic planning policies; and (iii) would contribute to the achievement of sustainable development?

¹⁰ Response dated 15 December 2025.

¹¹ Response dated 20 November 2025.

¹² PPG Reference ID: 41-041-20140306.

Vision and Objectives

- 4.7 The vision for the NNP is based on issues raised by the community during the initial stages of the consultation process. The vision is succinctly described prior to paragraph 5.1 (page 13) of the Plan and then expanded in paragraphs 5.1 – 5.6. A series of twenty two objectives have then been developed and which are listed on page 14 of the Plan to help to achieve the vision. The objectives provide the context for the twenty one specific land use based policies.

Policy: CF1 Community Facilities

- 4.8 Policy CF1 seeks to protect existing community facilities and supports the development of new facilities. The expression of the policy is ambiguous in that it is phrased so that new community facilities would be sought through proposals for all forms of development and which clearly does not have regard to national guidance. In clarification, NTC confirmed that the policy should apply to proposals for community development not all development and suggested a modification to the policy which I shall recommend. **(PM2)**
- 4.9 I am content that the term “community value” as defined by the Localism Act 2011 is sufficient to be included as written in Clause (i) of the policy and shall recommend its definition be added to the Glossary of the Plan. Although “assets of community value” are defined in Section 87 of the Localism Act and described in the Glossary, the term “community facility” is wide-ranging and can include community centres and childcare facilities; cultural centres and venues; places of worship; education establishments and training centres; health and social care facilities; sport and recreation facilities; and civic and administrative facilities. It may also include other uses whose primary function is commercial but perform a social or community role i.e. sport, recreational and leisure facilities including local pubs. Therefore, as recommended to be modified, Policy CF1 would have regard to national guidance¹³, would generally conform with Policies ST12 and ST22 of the NDTLP and would meet the Basic Conditions.

Policy: HO1 Size of Dwellings

- 4.10 Policy HO1 seeks to meet local housing needs by increasing the provision of one and two bed dwellings. Given that the policy would apply to all scales of residential development, I shared my concern about the effect on the viability of a scheme and both Councils accepted the suggestion that, as modified, Clause 1 could state: “On developments of more than 10 dwellings, 50 % shall have one or two bedrooms, subject to considerations of viability, site character and context.” Therefore, I shall recommend it as a modification.

¹³ NPPF: paragraphs 88, 98 and 135.

- 4.11 Policy HO1 Clause 2 supports new dwellings where they are designed to be accessible and adaptable to cater for the changing needs of occupants over their lifetime. I can appreciate the need to cater for the needs of the elderly or infirm. However, I consider that there may be effects on viability which would inhibit the delivery of housing generally should all dwellings be required to be designed to cater for all residents' needs throughout their lifetime. I canvassed the following modification to Policy HO1.2 with the Councils which would become: *"On development of more than 10 dwellings on sites which are well located in terms of access to social and community facilities, at least a third should be age-friendly."*
- 4.12 Both Councils queried the use of the term "age friendly", a concern I also share despite having seen it used unchallenged in several neighbourhood plans. Therefore, I shall recommend using the more precise reference to the Building Regulations M4(2) standard for accessible and adaptable homes. TDC also queried the ambiguity of "well located". However, I am content that development management can be used to reasonably conclude what is, or what is not, well located on a case by case basis especially considering the site specific variables which are listed by TDC in its representations and the current guidance available, such as in the "National Design Guide"; "Inclusive Mobility: A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure"; and "Planning for Active Places".
- 4.13 Accordingly, with the two recommended modifications, Policy HO1 would have regard to national guidance¹⁴, would generally conform with Policy ST17 of the NDTLP and would meet the Basic Conditions. **(PM3)**

Policy: HO2 New Affordable Housing

- 4.14 The objective of Policy HO2 is to maximise the provision of new affordable housing. I note that both Councils suggest including a clarification of the use of the term "Vacant Building Credit" in the supporting text of the Plan. Similarly, the term "standard of accommodation" in Clause 2 would be clarified in the supporting text. Furthermore, NTC notes that the phrase "low cost ownership" is defined in the Glossary of the NPPF and is also used in the NDTLP. The clarifications referred to above may be included in the explanation of the Plan policies as minor alterations.¹⁵ However, Policy HO2 has regard to national guidance¹⁶, generally conforms with Policies ST17 and ST18 of the NDTLP and meets the Basic Conditions.

Policy: HO3 Residential Design and Amenity

- 4.15 Policy HO3 aims to protect the amenity of residents of new and existing properties. Agreeing with the representations of TDC, I shall recommend that the policy is modified by the qualification of Clause 1.i with "where

¹⁴ NPPF: paragraphs 51, 63 and 135.

¹⁵ See paragraph 4.40 below.

¹⁶ NPPF: paragraphs 63 and 66.

appropriate”; by the qualification of “detrimental” in Clause 1.ii with significance; by clarification in Clause 1.iii that height and form does not necessarily cause harm; and that nearby buildings may be affected by increases in height, not just those which are adjacent. **(PM4)** Policy HO3 would then have regard to national guidance¹⁷, would generally conform with Policy ST04 of the NDTLP and meet the Basic Conditions.

Policy: TR1 Residential Parking Provision

- 4.16 Policy TR1 considers parking which would serve new dwellings. Rather than implying that residential development will only be supported where off street parking is provided and which would not have regard to national guidance, I shall recommend a modification to Clause 1 so that development proposals are encouraged to provide off street parking.
- 4.17 Clause 2 of Policy TR1 lists parking standards. Whereas both Councils agreed with my observation that the standard should be described as a minimum rather than a maximum, I am persuaded by the comments of TDC that the application of Policies DM04, DM06 and especially DM05 of the NDTLP would avoid the need for any parking standards in the NNP. This would enable any parking requirements to take into account the scale of any proposal and the transport context. Therefore, I shall recommend the deletion of Clause 2. Policy TR1 would then have regard to national guidance¹⁸, would generally conform with Policy ST10 of the NDTLP and would meet the Basic Conditions. **(PM5)**

Policy: DE1 Quality of Design

- 4.18 Policy DE1 considers the quality of design and the need to adapt to climate change. Following issues raised by TDC in their Regulation 16 representations on which I sought clarification from NTC, suggestions for a slight redraft of Clause 1 of Policy DE1 was proposed by NTC which has the agreement of TDC. I shall recommend the suggestions as modifications. I shall also recommend a modification to Clause 3 to make storage space for waste more accessible for collections. **(PM6)** Policy DE1 would then have regard to national guidance¹⁹, would generally conform with Policies ST02, ST04, ST05 and ST10 of the NDTLP and would meet the Basic Conditions.

Policy: DE2 Renewable Energy

- 4.19 Policy DE2 supports community-scale renewable energy production schemes. The policy has regard to national guidance²⁰, generally conforms with Policy ST16 of the NDTLP and meets the Basic Conditions.

¹⁷ NPPF: paragraph 135.

¹⁸ NPPF: paragraphs 112 and 135.

¹⁹ NPPF: paragraphs 112 and 165.

²⁰ NPPF: paragraphs 63 and 66.

Policy: EN1 Local Green Spaces

4.20 Policy EN1 designates ten Local Green Spaces (LGS) listed in the policy and details of which are in Appendix 3 of the Plan. LGS designation should only be used where the green space is:

- a) in reasonably close proximity to the community it serves;
- b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
- c) local in character and is not an extensive tract of land.²¹

LGS should also be capable of enduring beyond the end of the Plan period.²² I note that TDC, who own the relevant land, object to the designation of Tors View and The Village Green, Westward Ho! as LGS. However, I agree that each of the LGS listed in the policy, as well as the two sites to which objections have been made, meet the designation criteria. Therefore, I consider that Policy EN1 has regard to national guidance as detailed above and generally conforms with Policies ST09 and ST14 of the NDTLP.

4.21 Nevertheless, in order to enable effective development management and provide sufficient clarity for the various interested parties, I shall recommend that the LGS should each be mapped at an appropriate scale. I canvassed this as a suggestion during the examination and TDC commented that there has been liaison with NTC to plot each LGS to at least 1/1250 using Shapefile. I shall recommend this should occur and Policy EN1 would then meet the Basic Conditions. **(PM7)**

Policy: EN1a Open Space and Recreation

4.22 Policy EN1a lists three areas for open space and recreation which are shown in Appendix 3 of the Plan. Whilst the policy (which is expanded in paragraph 104 of the NPPF) has regard to national guidance²³ and generally conforms with Policy ST14 of the NDTLP, I share the same concerns as in Policy EN1 with regard to the need to provide sufficient clarity for development management purposes. Accordingly I recommend the three areas are each plotted to at least 1/1250 using Shapefile (noting again that liaison between TDC and NTC to use Shapefile is already in progress). **(PM7)**

²¹ NPPF: paragraph 107.

²² NPPF: paragraph 106.

²³ NPPF: paragraphs 103 and 104.

Policy: EN2 Protecting the Identity of Settlements

Policy: EN3 Protecting Rural Character

4.23 I shall consider both Policy EN2 and Policy EN3 together because they each seek to protect the same area of countryside from unnecessary development. Although the policies have different objectives, the outcomes of the policies would be similar. TDC suggest combining the policies and, having carefully considered the detailed representations from both Councils, I agree. In the event that I might conclude that a combined policy would be preferable, TDC submitted an example which I shall recommend with the added reference to Map N1 of the Plan to reduce any ambiguity. The areas of Greenway Drive, Westward Ho! and the Appledore Shipyard should also be excluded from the green area shown on Map N1. **(PM8)** Combined Policy EN2/3 would then have regard to national guidance²⁴, would generally conform with Policies ST09 and ST14 of the NDTLP and would meet the Basic Conditions.

Policy: EN3a Protecting Dark Skies and Reducing Light Pollution

4.24 Policy EN3a seeks to protect the Local Gap shown on Map N1 from light pollution in order to protect the dark skies. Clause 1.ii includes details which may be superseded during the period of the Plan as technology improves and standards change. Therefore, I shall recommend the suggestion for a possible modification submitted by NTC, slightly adapted. It seems to me that the protection of the views and vistas referred to in Clause 2 is superfluous given the likely effectiveness of Clause 1. **(PM9)** Subject to this modification, Policy EN3a would have regard to national guidance²⁵, would generally conform with Policy ST14 of the NDTLP and would meet the Basic Conditions.

Policy: EN4 Protecting Valued Views

4.25 Policy EN4 aims to preserve specific valued views. The views are listed in the policy and described in detail with maps and photographs in Appendix 5. TDC suggested that viewpoints (ii) Bone Hill, (iii) Bidna Hill and (iv) the aptly named Lookout Field were defined too narrowly, but I disagree. The vistas portrayed in the photographs should not be taken too literally to the point of whether a specific site is inside or outside the framework of the view photographed from the viewpoint. It is the general direction of the view which is important.

4.26 In order to avoid minute changes being unreasonably claimed as "harm", I shall recommend the inclusion of significance as a test of the degree of harm. I consider that Policy EN4 as recommended to be modified would have then regard to national guidance²⁶ and would generally conform with

²⁴ NPPF: paragraphs 124, 187, 189, 193 and 198.

²⁵ NPPF: paragraph 198.

²⁶ NPPF: paragraph 187.

Policies ST09, ST11 and ST15 of the NDTLP and would meet the Basic Conditions. **(PM10)**

Policy: HE1 Conservation of Heritage Assets

4.27 Policy HE1 seeks to conserve heritage assets. Clause 1 considers non-designated heritage assets (NDHA) and a statement is made that “in accordance with national policy, development proposals should avoid harm to these heritage assets ...” which is incorrect. National policy for NDHA in the NPPF is that a balanced judgement has to be made having regard to the scale of any harm or loss and the significance of the asset.²⁷ Therefore, I shall recommend an appropriate modification to Clause 1. **(PM11)** Although TDC appear to criticise the use of the word “should” in the policy, rather than “must”, the phrasing is consistent with the NPPF. Accordingly, subject to the recommended modification above, I consider that Policy HE1 would have regard to national guidance²⁸, would generally conform with Policy ST15 of the NDTLP and would meet the Basic Conditions.

Policy: EN5 Protection of Green Corridors and Biodiversity Enhancement

4.28 The objectives of Policy EN5 are to protect and enhance areas of biodiversity, especially those listed in Appendix 7 of the Plan, and the green corridors as defined on Maps N5(a) and N5(b) of the Plan. Map N5(c) was omitted in error from Appendix 7. The function of the policy is to protect and enhance rather than preserve and, therefore, I do not interpret it as a barrier to development in the event of any being proposed, but as a means of safeguarding features such as those listed in Clause ii and enabling enhancements to be made where the opportunity arises.

4.29 Clause ii seeks a biodiversity net gain (BNG) of 10% on-site, but national policy allows for off-site BNG and so I shall recommend that the requirement is deleted from the policy because it is adequately dealt with in national guidance. Clause iv requires Sustainable Drainage Systems (SuDS). However, as pointed out by TDC, not all development would be likely to require such features. I shall recommend that Clause iv be qualified by “where appropriate”. **(PM12)**

4.30 Subject to those recommendations and the inclusion of the reference to Map N5(c) in Appendix 7, Policy EN5 would have regard to national guidance²⁹, would generally conform with Policy ST14 of the NDTLP and would meet the Basic Conditions.

²⁷ NPPF: paragraph 216.

²⁸ NPPF: paragraphs 202 – 203, 207 – 210 and 216.

²⁹ NPPF: paragraphs 181, 187, 192 and 193.

Policy: TR2 Cycle and Pedestrian Routes

- 4.31 Policy TR2 seeks to increase the connectivity between the settlements and reduce pollution. Clause 1 of the policy as written would apply to all sizes of development, which is unreasonable. Therefore, I shall recommend rephrasing Clause 1 so that it applies only to major development, the threshold to be determined on a case by case basis. In Clause 1.ii, I shall also recommend that public cycle parking facilities are only provided where appropriate.
- 4.32 The lack of clarity in Clause 1.iii in the phrases “safer and more convenient routes” and “easiest practicable gradients” can be overcome by the deletion of Clause 1.iii. I consider that Clause 1.i should enable those otherwise ambiguous elements of a proposal to be assessed in development management. Subject to those recommended modifications, Policy TR2 would have regard to national guidance³⁰, would generally conform with Policy ST10 of the NDTLP and would meet the Basic Conditions. **(PM13)**

Policy: ED1 Business

- 4.33 Policy ED1 supports the expansion of existing businesses and the emergence of new locally focussed businesses in sustainable locations. I note that NTC and TDC have discussed how to prioritise brownfield locations and whether the phrase “the local economy” is sufficiently clear for effective development management and have agreed on suggested alterations to the policy which I shall recommend as modifications. Given the lack of general conformity indicated by TDC of Policy ED1 with Policies ST09 and DM13 of the NDTLP, I shall recommend the deletion of Clause 3. The protection of sites of existing businesses appears very well protected in the Local Plan. Subject to those modifications, Policy ED1 would have regard to national guidance³¹, would generally conform with Policy ST11 of the NDTLP and would meet the Basic Conditions. **(PM14)**

Policy: TR3 Public Car Parking

- 4.34 Policy TR3 aims to protect and improve public car parking provision. Subject to a recommended clarification of Clause 3 so that reference is also made to the redevelopment of any privately owned or controlled car parks, the policy would have regard to national guidance³², would generally conform with Policy ST10 of the NDTLP and would meet the Basic Conditions. **(PM15)**

³⁰ NPPF: paragraphs 89, 96, 109, 111 and 117.

³¹ NPPF: paragraphs 85 and 89.

³² NPPF: paragraph 113.

Policy: ED2 Tourism Attractions and Accommodation

4.35 Policy ED2 supports new, expanded or enhanced tourism attractions and accommodation in sustainable locations. In order to overcome the ambiguity in the use of the word “extensions” in Clauses 2 and 3, as noted by TDC, NTC has suggested altering it to “expansions” in Clause 2 and removing the reference from Clause 3 which I agree and shall recommend. **(PM16)** Subject to those modifications, Policy ED2 would have regard to national guidance³³, would generally conform with Policies ST09 and ST13 of the NDTLP and would meet the Basic Conditions.

Policy: HE2 Richmond Dock

4.36 Policy HE2 supports sustainable development of Richmond Dock, Appledore for maritime related purposes or small business use. The policy has regard to national guidance³⁴, generally conforms with Policies ST09 and ST15 of the NDTLP and meets the Basic Conditions.

Policy: ED3 Appledore Maritime Employment Zone

4.37 ED3 supports proposals for economic maritime-related development within the Appledore Maritime Employment Zone. Clause 1 states that proposals for the redevelopment of any part of the Zone identified on Map 6 of the Plan for non-employment uses will not be supported unless such proposals meet the requirements of DM13 of the NDTLP. Therefore, in my opinion, because Map 6 would define the land to which Policy DM13 would apply, Clause 1 of Policy ED3 is redundant, provided that the Plan allocates the land shown on Map 6 as an employment zone. NTC stated that it is not the intention to prohibit non-maritime economic development. Accordingly, I shall recommend the deletion of Clause 1 and the inclusion of the land shown on Map 6 as an employment zone in Clause 2. Consequently, the title of the policy should also be amended to “Appledore Employment Zone”.

4.38 In addition, following discussions with TDC, NTC would wish to amend Clause 2 to substitute the phrase “related to maritime industries” with “particularly where it requires a coastal location.” I agree with the suggestion and note that the above modifications which I shall recommend would not weaken the objective of the policy to support any proposals made for economic maritime-related development but would broaden the policy so that economic development which was not maritime-related would not be prohibited. Policy ED3 would then have regard to national guidance³⁵, would generally conform with Policies ST09 and ST11 of the NDTLP and would meet the Basic Conditions. **(PM17)**

³³ NPPF: paragraph 88.

³⁴ NPPF: paragraphs 85 – 87 and 203.

³⁵ NPPF: paragraphs 85 – 87.

Overview

- 4.39 Therefore, on the evidence before me, with the recommended modifications, I consider that the policies within the NNP are in general conformity with the strategic policies of the NDTLP, have regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.
- 4.40 A consequence of the acceptance of the recommended modifications would be that amendments will have to be made to the explanation within the Plan in order to make it logical and suitable for the referendum. Further minor amendments might also include incorporating factual updates, correcting inaccuracies, typographical and punctuation errors, the many text improvements suggested helpfully by TDC in their Regulation 16 consultation response and other similar minor or consequential changes such as policy or paragraph renumbering in agreement with TDC. None of these alterations would affect the ability of the Plan to meet the Basic Conditions and could be undertaken as minor, non-material changes.³⁶

5. Conclusions

Summary

- 5.1 The Northam Neighbourhood Development Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard to all the responses made following consultation on the NNP, and the evidence documents submitted with it.
- 5.2 I have made recommendations for seventeen modifications to sixteen policies to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

The Referendum and its Area

- 5.3 I have considered whether the referendum area should be extended beyond the designated area to which the Plan relates. The NNP, as modified, has no policy which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond the Plan boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be that of the designated Neighbourhood Plan Area.

³⁶ PPG Reference ID: 41-106-20190509.

Concluding Comments

- 5.4 The NTC, the Neighbourhood Plan Advisory Group and other voluntary contributors are to be commended for producing a thorough Plan. I enjoyed examining it and appreciated the superb landscape of the area on my site visit. The Plan benefitted greatly from the constructive comments from TDC at the Regulation 16 stage, the subsequent discussions between both Councils and from the comprehensive answers from the Councils to my questions. Subject to the recommended modifications, the NNP will make a positive contribution to the Development Plan for the area and should enable the attractive character and appearance of Northam Parish to be maintained whilst enabling sustainable development to proceed.

Andrew Mead

Examiner

Appendix: Modifications

Proposed modification no. (PM)	Page no./ other reference	Modification
PM1	Front cover	Include "2024 – 2031" .
PM2	Policy CF1	<p>Amend the first phrase to:</p> <p>"Proposals for the development or change of use of community facilities within the Plan area will be supported where: ..."</p> <p>Add to the Glossary of the Plan the definition:</p> <p>"Community value - see Section 88 of the Localism Act 2011."</p>
PM3	Policy HO1	<p>Amend Clause 1 to:</p> <p>"On developments of more than 10 dwellings, 50 % shall have one or two bedrooms, subject to considerations of viability, site character and context."</p> <p>Amend Clause 2 to:</p> <p>"On developments of more than 10 dwellings on sites which are well located in terms of access to social and community facilities, at least a third should be designed to meet Building Regulations Standard M4(2)."</p>
PM4	Policy HO3	<p>Amend Clause 1.i to:</p> <p>"private and public amenity space is provided, where appropriate, to ensure usable outdoor space ... etc;"</p> <p>Amend Clause 1.ii to:</p> <p>"overlooking of neighbouring properties and gardens which would be significantly detrimental to residential amenity ... etc;"</p> <p>Amend Clause 1.iii to:</p> <p>"an increase in height over any replaced building does not cause significant harm to the character and appearance of the area and safeguards the amenity of residents of nearby buildings."</p>

PM5	Policy TR1	<p>Amend the second sentence of Clause 1 to:</p> <p>“Development will be encouraged to provide residential off street parking designed to meet the anticipated needs of residents and visitors which is well integrated and accessible in order to maximise usage.”</p> <p>Delete Clause 2.</p>
PM6	Policy DE1	<p>Amend Clause 1 by the deletion of 1.i and the inclusion of a new final bullet point:</p> <p>“in the case of major developments it will be accompanied by a carbon reduction plan with substantial weight being given to the delivery of net zero carbon buildings.”</p> <p>Amend Clause 3 to:</p> <p>“Residential development will be supported where household refuse storage space is externally accessible from the refuse collection point so that street clutter is avoided and so that occupants can recycle and manage waste without hindrance.”</p>
PM7	Policy EN1 & Policy EN1a	<p>Map each Local Green Space and area for open space and recreation at a scale sufficient to identify plot boundaries.</p>
PM8	Policy EN2 Policy EN3	<p>Delete Policies EN2 and EN3 and include as a combined policy:</p> <p>“Development will be supported within The Local Gap shown in Map N1 in the following circumstances:</p> <ol style="list-style-type: none"> 1. Where it does not detract from the unspoilt character, appearance and tranquillity of the area; 2. Where it maintains and enhances the separate identities of Appledore, Northam and Westward Ho! and maintains their visual and physical separation; 3. Where it conserves, restores, or increases the extent of traditional hedge banks or hedgerow boundaries where appropriate in order to integrate the development with the rural character of the area;

		<p>4. Where it does not significantly harm the setting of Northam Burrows or the South West Coast Path;</p> <p>5. Where, in appropriate circumstances, it provides safe and convenient access to the development by foot, bicycle, vehicle and public transport; and</p> <p>6. Where it is required because it cannot reasonably be located outside the Local Gap.”</p> <p>Delete the areas of Greenway Drive, Westward Ho! and the Appledore Shipyard from the green area shown on Map N1.</p>
PM9	Policy EN3a	<p>Delete Policy EN3a and substitute:</p> <p>“Within the area defined on Map N1, proposals for development will be supported where it is demonstrated that, where external lighting is required, it protects the night sky from light pollution.”</p>
PM10	Policy EN4	<p>Amend the first sentence to:</p> <p>“... and does not significantly harm the views identified ...”.</p>
PM11	Policy HE1	<p>Delete the second sentence of Clause 1 and substitute:</p> <p>“When considering proposals for development which may affect a non-designated heritage asset, a balanced judgement has to be made having regard to the scale of any harm or loss and the significance of the asset.”</p>
PM12	Policy EN5	<p>Amend Clause i to:</p> <p>“... Maps N5(a), N5(b) and N5(c) ...;”.</p> <p>Amend Clause ii by the deletion of:</p> <p>“as a minimum of 10% (including that which existed prior to any clearance of the site for redevelopment)”.</p> <p>Amend Clause iv to:</p> <p>“they incorporate Sustainable Drainage Systems (SuDS), where appropriate, to not only ...”.</p>

PM13	Policy TR2	<p>Amend Clause 1 to: “Major residential and economic development proposals ... ”.</p> <p>Amend Clause 1.ii to: “they incorporate public cycle storage facilities where appropriate:”</p> <p>Delete Clause 1.iii.</p>
PM14	Policy ED1	<p>Delete Clause 1 and substitute: “Within development boundaries economic development will be supported in the following order of preference:</p> <ol style="list-style-type: none"> 1. On brownfield sites; 2. Elsewhere within the development boundary if it has been clearly demonstrated that no brownfield sites are appropriate.” <p>Amend Clause 2 by the deletion of: “... which benefits the local economy, and ...”.</p> <p>Delete Clause 3.</p>
PM15	Policy TR3	<p>Amend Clause 3 to: “ Proposals for the development or redevelopment of any ...”.</p>
PM16	Policy ED2	<p>Amend Clause 2 to: “... only proposals which provide for the expansion of existing tourism attractions ...”.</p> <p>Amend Clause 3 to: “... only proposals for small scale tourism attractions or tourism accommodation that respect the rural character of the area will be supported provided that: ...”.</p>
PM17	Policy ED3	<p>Amend policy heading to “POLICY: ED3 APPLEDORE EMPLOYMENT ZONE”</p> <p>Delete Clause 1.</p> <p>Amend Clause 2 to: “Within the employment zone defined on Map N6, employment development will be supported, particularly where it requires a coastal location, subject to the following criteria being met: ...”.</p>